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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,005	02/02/2001	Wallace D. Sanger		7435

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FRANK L. KUBLER  
13261 S. W. 54th Court  
Miramar, FL 33027

EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/776,005

Applicant(s)

SANGER, WALLACE D.

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/20/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorell et al. in view of Thomas and Cement Association of Canada and Gonzalez Expinosa de Los Monteros and Westerlund.

Regarding claim 1, Gorell et al. shows forming two pitch walls (27, 29) angled to match the pitch of the building roof. (Fig. 1) Gorell et al. does not show a beam-receiving notch. Gonzalez Expinosa de Los Monteros shows notches (9) in cast concrete. (Fig. 1) It would have been obvious to one of ordinary skill in the art to use a notch as in Gonzalez Expinosa de Los Monteros in the structure of Gorell et al. This could receive a ridge beam for roof support.

Gorell et al. shows forming a linking wall (22, 24).

Gorell et al. teaches a floor form platform (12) having a horizontal platform surface. Gorell et al. does not show an upright floor form rail. Cement Association of Canada teaches timber or metal forms or rails (Page 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use an upright floor form rail in the structure of Gorell et al. to enable casting the floor.

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The walls may be placed so that the two pitch wall longer lateral ends are each abutting and substantially perpendicular to the floor form rail and the pitch wall shorter lateral ends are adjacent to one of the linking wall lateral ends such that the pitch walls both extend in the same direction from and are substantially perpendicular to the linking wall, and the pitch walls, linking wall and floor form rail together enclose a region of the horizontal platform surface to define a floor form.

Gorell et al. does not show constructing a roof form. Westerlund shows a roof form (21). (Fig. 3) Roof forms with roof form support structures having planar upper surfaces angled to match the desired roof pitch to define a contiguous roof form lower wall below a distance below and adjacent to the pitch wall and linking wall upper ends and meeting the pitch walls and linking walls to define a partial roof form are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a roof form in the structure of Gorell et al. to cast the roof in place.

Gorell et al. shows a precast, which may be prestressed as is common in the art, concrete beam (221, Col. 5, Line 59). (Fig. 2) The beam may be placed parallel to the linking wall and into the beam notches to complete the roof form as is common in the art. It would have been obvious to one of ordinary skill in the art to use a precast concrete beam as a ridge beam to support the roof.

Gorrell et al. shows two modules formed at the same time.

Gorrell et al. shows a poured concrete floor (Col. 1, Line 65-end).

Gorrell et al. does not show lifting the completed first and second modules off the platform. Thomas shows lifting the completed modules off the platform. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to lift the modules as in Thomas in the structure of Gorrell et al. to move the modules to another location.

Regarding claim 2, Gorell et al. shows metal plates (25) formed into lateral edges of the pitch walls and linking walls. Gorell et al. shows welding plates (Col. 8, Line 30). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use weld plates at the lateral edges to hold the walls together.

Regarding claim 3, 8, Gorell et al. teaches the basic claimed structure. Gorell et al. does not teach mitered corners. Mitered corners are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use mitered corners for a tight, weatherproof, seal.

Regarding claim 4, Gorell et al. shows reinforced concrete (Col. 8, Line 10-15). Reinforced concrete in walls is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use reinforced concrete in the walls of Gorell et al. to strengthen them.

#### ***Allowed Claims***

Claims 5-7, 9-11, are allowed.

Claim 5 is allowed for the pitch wall lateral end of the third pitch wall is directly opposite the pitch wall lateral end of the first pitch wall and the third pitch wall and the first pitch wall are oriented at substantially the same angle relative to the horizontal, and

the pitch wall lateral end of the fourth pitch wall is directly opposite the pitch wall lateral end of the second pitch wall and the fourth pitch wall and the second pitch wall are oriented at substantially the same angle relative to the horizontal.

Claim 6, 7, are allowed for the module floor, the first and second pitch walls and the linking wall together define a module and removing the completed module from the platform.

Claims 9-11 depend from claim 5 and are therefore allowed.

### ***Response to Arguments***

Applicant's arguments filed 10/20/03 have been fully considered but they are not persuasive.

Applicant argues that Gorell et al does not teach module formation. It teaches forming a complete building.

Examiner agrees that Gorell et al forms a complete building. In claim 1, Applicant does not claim a transportable module made from the floor, pitch walls and linking walls. In claim 1, only the floor is claimed to be a module. Gorell et al has a module floor.

Applicant argues that Cement Association does not suggest using a rail in combination with three upright module walls to define a floor form.

Cement Association teaches timber or metal forms or rails. It is obvious that they can be used wherever they are needed including between two modules formed closely opposing each other.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgan et al. shows a method and apparatus for low cost housing construction.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV  
November 19, 2003



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600